

REMARKS/ARGUMENTS

Claims 32-82 71-109 replace the claims that were previously submitted as Claims 32-70 on April 20, 2005. Claims 1-31 have been cancelled previously. Claims 32-82 have been added. Claims 32-70 as previously submitted are cancelled, Claims 71-121 are new.

5 Applicant requests that any previously filed unentered amendments not be entered.

Replacement drawings and one new drawing replace the drawings that were previously submitted as drawings 1-10. They have been marked as currently amended. Drawings 11-64 are new and have been so marked. The replacement/new drawings are drawings 1-64.

10 Applicant previously has cancelled claims 1-31 and replaced previously submitted claims 32-70 with claims 32-82 71-121 to define patentable subject matter more accurately and succinctly, and make the language thereof clearer.

Examiner's Paragraphs 12-15:

The Examiner's objection of Applicant's use of overly broad and non-descriptive labels has been eliminated by substituting the terminology of the issued patent.

15 The Examiner's objection that the functional, methodological steps were not set forth has been remedied by the additional new drawings 11-64, in addition to the revised drawings 1-10. currently amended drawings 1-10. Similarly, the Examiner's objection that the specification was not clear enough has been remedied by a combination of the specification in this Application and the specification of the issued patent. Applicant previously has been issued patent number 20 6,088,437, "Call Processing System, Method and Computer Program Product," on July 11, 2000. This Application number 09/556,439, incorporates the entire contents of the issued patent, as set forth on page 1, lines 7-11 of this Application. This Application is the software that functions

with the CALL PULL BACK mechanism in the previously issued patent 6,088,437.

Consequently, in the new Claims 32-82 71-121 submitted herewith, Applicant has used the terminology of the issued patent 6,088,437, with regard to the elements of the system, in order to more accurately and clearly set forth the operations of the system as set forth in this Application.

5 Applicant also uses these terms to eliminate confusion or lack of clarity regarding the meaning of the terms, as well as to facilitate consistency between the issued patent and this Application.

Inasmuch as the entire Amick patent 6,088,437, issued July 11, 2000, was incorporated into this Application, the specification of the issued patent is also part of the specification of this Application. This combined specification contains a written description of the invention and the 10 manner and process of making and using it, in full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains (telephony), to make and use the same and sets forth the best mode contemplated by the Inventor of carrying out the invention.

15 The “Objects/Software Constructs” are set forth in the currently amended drawings 1-10 and new drawings 11-64. The language that is used to program them to make them operable can be (C, C++, Visual C++ or other languages that can be used to create a GUI interface or proprietary high level command line language) which allow programming using simple English.

As a result, the new drawings 11-64 set forth the actual programming commands. If other programming language is used by one skilled in the art to make and use the system, it could be adjusted to enter the same programming commands.

Examiner's Paragraph 16:

The Examiner's objection that the term "error condition" was too broad has been met by changing the term to "absence of an error condition" to "no response from the at least one called party," in order to limit and define the condition.

5 Examiner's Paragraph 17:

The Examiner's objection that the previously submitted claims reciting "at least one object comprising at least one first object" has been met by setting forth the specific features and programming language functionality of each object in the new drawings 11-64.

Examiner's Paragraph 18:

10 The Examiner's objection to the use of the term "at least one second client management system" has been resolved by using the terminology of the Amick patent 6,088,437, issued July 11, 2000. Instead of using the term "client management system," the claims and drawings use the terminology of the Amick patent 6,088,437, issued July 11, 2000, referring to the system as the "virtual network call processing system." As set forth in the Amick patent 6,088,437, issued 15 July 11, 2000, and this Application 09/556,439, it is one system used simultaneously by many clients.

Examiner's Paragraph 19:

20 The Examiner's objection to the use of the term "work place" has been met by eliminating that term and substituting the term "client's premise." With the virtual network call processing system, the client's premise can change to any location at any time and the virtual network call processing system follows the client so that his/her telephony system structure and function is fully operational at any or all of the physical locations of the client.

Examiner's Paragraph 20:

The Examiner's objection that Claim 45 and Claim 39 claim the same thing has been met by rewriting all of the claims.

Examiner's Paragraph 21:

5 The Examiner's objection to the use of the term "mailbox" without a definition has been met by that revealed in the Amick patent 6,088,437, issued July 11, 2000, wherein it is stated that callers may be forwarded to a receptor mailbox and that a mailbox may dial a telephone number and store e-mail as well as voice and fax messages.

Examiner's Paragraph 22:

10 The Examiner's objection to the use of the terminology "the at least one object manages recording" and "the at least one object manages erasing" has been noted. In the Amick patent 6,088,437, issued July 11, 2000, it is disclosed that an object is a well thought out preprogrammed and proven software construct that simplifies programming and ensures reliable operations. One of the operations is the recording and storage of e-mail as well as voice and fax
15 messages and another operation is the erasure of those messages. These customer specific applications are created, manipulated and destroyed utilizing preprogrammed Objects/Software Constructs first disclosed in the Amick patent 6,088,437, issued July 11, 2000, which were incorporated in full, and have been further described, in Amick Application 09/556,439.

Examiner's Paragraph 23:

20 The Examiner's objection that the system is not described sufficiently is met by viewing the entire system in light of both this Application 09/556,439 and the Amick patent 6,088,437, issued July 11, 2000, which has been incorporated in full into this Application.

Comparison of Claims 71 32 through 121 82 with the Fuller Patents

Claim 71 32 (New):

Managing communications during an error condition is primarily addressed in the Amick patent 6,088,437, issued July 11, 2000. A comparison of the fundamental differences between 5 that disclosed in the Amick patent 6,088,437, issued July 11, 2000, and that disclosed in the Fuller patents, reveals that Fuller utilizes a precision busy/ring detector which only detects frequency and Amick utilizes both frequency and cadence detection without the need to train or tune the equipment to characterize signaling attributes of signals produced by one of a plurality of central office switches, each having a different frequency and cadence signal event 10 characteristic.

The only mention of an error condition in Amick Application 09/556,439 is in the section entitled “Object/Class of Service” documentation. In OBJ/COS 511 it is stated: “This Object also comes into play when the Call Processor portion of the [[Node]] POP or [[Hub]] NOCC doesn't know what else to do with the caller due to a software or ring cadence error.”

15 (a) The terms “Virtual Office Environment” and “Virtual Office Environment management system” have been changed to “virtual network call processing system,” as set forth in the Amick patent 6,088,437, issued July 11, 2000.

None of the Fuller patents discloses preprogrammed software constructs referred to as Objects in Amick Application 09/556,439 and the Amick patent 6,088,437, issued July 11, 20 2000, and if they did, by the very virtue of the fact that Amick is creating one of a kind applications and utilizing frequency and cadence detection the Objects would not be the same. These customer specific applications are created, manipulated and destroyed utilizing

preprogrammed Objects/Software Constructs first disclosed in the Amick patent 6,088,437, issued July 11, 2000, which were incorporated in full, are further described, in Amick Application 09/556,439.

(b) The Amick patent 6,088,437, issued July 11, 2000, discloses a method for
5 detecting error conditions without the need to train or tune the equipment to characterizes
signaling attributes of signals produced by one of a plurality of central office switches, each
having a different frequency and cadence signal event characteristic; Fuller does not.

As stated by the examiner of the Amick patent 6,088,437, issued July 11, 2000, under allowable subject matter the following is an examiner's statement of reasons for
10 allowance: Morganstein et al. (U.S. Patent No. 4,809,321) teaches a call completion equipment for use with a switching system for assisting callers to complete telephone calls thereto where in a primary destination telephone set is busy or does not answer. The equipment of Morganstein has a tone learn program capability (column 6, lines 24-27), the tone learning capability is required so that the call completion equipment may operate with the particular switch that
15 services a particular geographic region in which a PBX is located. However, with respect to claims 1-21, prior art of record fails to teach, or render obvious, alone or in combination, a virtual network call processing system and a method for processing calls in the virtual network call processing system comprising a central office switch characterization mechanism that characterizes signaling attributes of signals produced by one of a plurality of central office
20 switches, each having a different frequency and cadence signal event characteristic.

(c) Same as (b).

Claim 72 33 (New):

None of the Fuller patents discloses preprogrammed software constructs referred to as Objects in the Amick Application 09/556,439 and the Amick patent 6,088,437, issued July 11, 2000, and if they did, by the very virtue of the fact that Amick is creating one of a kind

5 applications and utilizing frequency and cadence detection the Objects would not be the same.

These customer specific applications are created, manipulated and destroyed utilizing preprogrammed Objects/Software Constructs first disclosed in the Amick patent 6,088,437, issued July 11, 2000, which were incorporated in full, and are further described, in Amick Application 09/556,439.

10 The term "menu" is like the term "Objects." Fuller uses menus for making simple menu choices. Amick uses menus as well as schedules, tables and plug in applications to create one of a kind multi level structural applications like that disclosed in the Object-Use Example in the body of Amick, Application 09/556,439. Fuller uses the term "objects" one time and he uses the term objects as in "objectives": "The illustrative examples which follow are intended only to
15 clarify some of the concepts, features, and objects of the invention, and do not define the scope of the invention."

Claim 73 34 (New):

Managing communications during an error condition is primarily addressed in the Amick patent 6,088,437, issued July 11, 2000. The fundamental differences between that disclosed in
20 the Amick patent 6,088,437, issued July 11, 2000, and that disclosed in the Fuller patents are as follows: Fuller utilizes a precision busy/ring detector which only detects frequency and Amick utilizes both frequency and cadence detection without the need to train or tune the equipment to

characterize signaling attributes of signals produced by one of a plurality of central office switches, each having a different frequency and cadence signal event characteristic.

The only mention of an error condition that actually pertains to an error in Amick Application 09/556,439 is in the section entitled “Object/Class of Service” documentation. In 5 OBJ/COS 511 it is stated: “This Object also comes into play when the Call Processor portion of the [[Node]] POP or [[Hub]] NOCC doesn't know what else to do with the caller due to a software or ring cadence error.”

Claim 74 35 (New):

Both Fuller and Amick use routing options for messaging and connecting to PSTN 10 network addresses. However, in addition, Amick uses routing options to move from one Object or application to another Object or application and to move the caller to different pieces of equipment such as an IVR, (Integrated Voice Response Unit).

Claim 75 36 & 76 37 (New):

Theses claims have been changed to utilize the same terminology of “virtual network call 15 processing system” as utilized in the Amick patent 6,088,437, issued July 11, 2000.

Claim 77 38 (New):

As stated previously, none of the Fuller patents uses Objects or preprogrammed Software 20 Constructs and if they did, by the very virtue of the fact that Amick is creating one of a kind applications and utilizing frequency and cadence detection the Objects would not be the same. These customer specific applications are created, manipulated and destroyed utilizing preprogrammed Objects/Software Constructs first disclosed in the Amick patent 6,088,437,

issued July 11, 2000, which were incorporated in full, and are further described, in Amick Application 09/556,439.

Claim 78 39 (New):

After issuing the client's trunk forwarding configuration instructions to the client's 5 telecommunications carrier effecting traffic at the client's premise to route communications between the at least one calling party and the at least one called party virtual network call processing system application, the carrier's programming then determines whether the all forward and or no answer forwarding effecting the traffic at the client's premise exists. This is not mentioned in Fuller.

10 Claim 79 40(New):

Language of claim 40 has been changed to the language utilized in the Amick patent 6,088,437, issued July 11, 2000.

Claim 80 41 (New):

This is utilized by both Fuller and Amick. However, as disclosed in the Amick patent 15 6,088,437, issued July 11, 2000, Amick utilizes cadence detection without the drawback of having to tune or train the equipment hosting the Virtual Environment Applications so that it characterizes signaling attributes of signals produced by one of a plurality of central office switches, each having a different frequency and cadence signal event characteristic. Fuller does not do that.

20 Claim 81 42 (New):

Language of claim 40 79 has been changed to that utilized in the Amick patent 6,088,437, issued July 11, 2000.

Claim 82 43-(New):

Language of claim 40 79 has been changed to that utilized in the Amick patent 6,088,437, issued July 11, 2000. As previously stated, Amick Application 09/556,439 does not use the term “Virtual Office Management System.” The term “Virtual Environment Applications” is used 5 instead. Amick utilizes cadence detection without the drawback of having to tune or train the equipment hosting the Virtual Environment Applications so that it characterizes signaling attributes of signals produced by one of a plurality of central office switches, each having a different frequency and cadence signal event characteristic. Fuller uses the term “menu” for making simple menu choices. Amick uses it as well as “schedules,” “tables” and “plug in 10 applications” to create one of a kind multi level structural applications that like disclosed in the Object-Use Example of the body of Amick Application 09/556,439.

Claims 83, 84 & 85 44, 45 & 46(New):

None of the Fuller patents discloses preprogrammed software constructs referred to as Objects as in Amick Application 09/556,439, and if they did, by the very virtue of the fact that 15 Amick is creating one of a kind applications and utilizing frequency and cadence detection the Objects would not be the same. These customer specific applications are created, manipulated and destroyed utilizing preprogrammed Objects/Software Constructs first disclosed in the Amick patent 6,088,437, issued July 11, 2000, which were incorporated in full, and are further described, in Amick Application 09/556,439.

20 Claim 86 47 (New):

Note of the Fuller patents mentions the term “mailbox.”

Claims 87 & 88 ~~48 & 49~~ (New):

None of the Fuller patents discloses preprogrammed software constructs referred to as Objects as in Amick Application 09/556,439, and if they did, by the very virtue of the fact that Amick is creating one of a kind applications and utilizing frequency and cadence detection the 5 Objects would not be the same. These customer specific applications are created, manipulated and destroyed utilizing preprogrammed Objects/Software Constructs first disclosed in the Amick patent 6,088,437, issued July 11, 2000, which were incorporated in full, and are further described, in Amick Application 09/556,439.

None of the Fuller patents mentions the word "fax" or a "fax on demand" application.

10 Claims 89, 90, 91, 92, 93, 94, 95, 96, 97, 98 ~~50, 51, 52, 53, 54, 55, 56, 57, 58, 59~~ (New):

None of the Fuller patents discloses preprogrammed Objects/Software Constructs referred to as Objects in Amick Application 09/556,439 and the Amick patent 6,088,437, issued July 11, 2000, and if they did, by the very virtue of the fact that Amick is creating one of a kind applications and utilizing frequency and cadence detection the Objects would not be the same. 15 These customer specific applications are created, manipulated and destroyed utilizing preprogrammed Objects/Software Constructs first disclosed in the Amick patent 6,088,437, issued July 11, 2000, which were incorporated in full, and are further described, in Amick Application 09/556,439.

Claim 99 ~~60~~ (New):

20 Managing communications during an error condition is primarily addressed in the Amick patent 6,088,437, issued July 11, 2000. The fundamental differences between that disclosed in the Amick patent 6,088,437, issued July 11, 2000, and that disclosed in the Fuller patents are:

Fuller utilizes a precision busy/ring detector which only detects frequency and Amick utilizes both frequency and cadence detection without the need to train or tune the equipment to characterizes signaling attributes of signals produced by one of a plurality of central office switches, each having a different frequency and cadence signal event characteristic.

5 The only mention of an error condition that actually pertains to an error in Amick Application 09/556,439 is in the section entitled "Object/Class of Service documentation." In OBJ/COS 511 it is stated: "This Object also comes into play when the Call Processor portion of the [[Node]] POP or [[Hub]] NOCC doesn't know what else to do with the caller due to a software or ring cadence error."

10 (a) The language of claim 60 99 has been changed to that utilized in the Amick patent 6,088,437, issued July 11, 2000. None of the Fuller patents discloses preprogrammed Objects/Software Constructs referred to as Objects as in the Amick Application 09/556,439 and in the Amick patent 6,088,437, issued July 11, 2000, and if they did, by the very virtue of the fact that Amick is creating one of a kind applications and utilizing frequency and cadence
15 detection the Objects would not be the same. These customer specific applications are created, manipulated and destroyed utilizing preprogrammed Objects/Software Constructs first disclosed in the Amick patent 6,088,437, issued July 11, 2000, which were incorporated in full, and are further described, in Amick Application 09/556,439.

20 The terms "Virtual Office Environment" and "Virtual Office Environment management system" have been changed to "Virtual Network Call Processing System," as set forth in the Amick patent 6,088,437, issued July 11, 2000.

(b) Fuller does not address the issuing of forwarding configuration instructions to telecommunications carriers instructing them to utilize all forward and or no answer forwarding effecting traffic at a client's premise to route communications between the calling party and the called party application;

5 (c) Same as (b).

Claim 100 64 (New):

None of the Fuller patents discloses preprogrammed Objects/Software Constructs referred to as Objects in Amick Application 09/556,439 and the Amick patent 6,088,437, issued July 11, 2000, and if they did, by the very virtue of the fact that Amick is creating one of a kind 10 applications and utilizing frequency and cadence detection the Objects would not be the same. These customer specific applications are created, manipulated and destroyed utilizing preprogrammed Objects/Software Constructs first disclosed in the Amick patent 6,088,437, issued July 11, 2000, which were incorporated in full, and are further described, in Amick Application 09/556,439. The functionality of these Objects/Software Constructs is disclosed in 15 the specific features and functionality of each object in new drawings 11-64.

Claim 101 62 (New):

Managing communications during a called party no error condition is primarily addressed in the Amick patent 6,088,437, issued July 11, 2000. The fundamental differences between that disclosed in the Amick patent 6,088,437, issued July 11, 2000, and that disclosed in the Fuller 20 patents are: Fuller utilizes a precision busy/ring detector which only detects frequency and Amick utilizes both frequency and cadence detection without the need to train or tune the

equipment to characterizes signaling attributes of signals produced by one of a plurality of central office switches, each having a different frequency and cadence signal event characteristic.

Claims 102, 103, 104, 105, 106, 107, 108, 109 ~~63, 64, 65, 66, 67, 68, 69, 70~~, (New) 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121 ~~71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81~~
5 &~~82~~ (New)

None of the Fuller patents discloses preprogrammed Objects/Software Constructs referred to as Objects in Amick Application 09/556,439 and the Amick patent 6,088,437, issued July 11, 2000, and if they did, by the very virtue of the fact that Amick is creating one of a kind applications and utilizing frequency and cadence detection the Objects would not be the same.

10 These customer specific applications are created, manipulated and destroyed utilizing preprogrammed Objects/Software Constructs first disclosed in the Amick patent 6,088,437, issued July 11, 2000, which were incorporated in full, and are further described, in Amick Application 09/556,439.

15 Comparison of Claims 32 71 through 82 121 with the Sand, Shaffer and Bjomberg Patents

(a) Sand document number 5,459,780

In the abstract, Sand discloses an arrangement for providing Automatic Call Distribution (ACD) service from a mixture of local and remote agents in which the remote 20 agents are connected via a voice connection to the home switch of the ACD and voice data connection to a Home Agent Server.

Amick Application 09/556,439 discloses systems and methods for the rapid and accurate creation of customer specific applications that may mirror part or all of a client's physical communications structure. These are two totally different endeavors.

In Sand document number 5,459,780, a connection is established between the 5 home switch of the ACD and voice data connection to a Home Agent Server and the statement is made: Call set-up time is reduced by establishing longer term connections between the ACD and the remote server and using these connections for a plurality of calls; such connections are established or disconnected when the traffic level suggests the desirability of having more or fewer remote servers.

Unlike Sand, Amick Application 09/556,439 discloses systems and methods for 10 the creation of applications that utilize the CALL PULL-BACK technology as disclosed in the Amick patent 6,088,437, issued July 11, 2000, and blind transfers to transfer calling parties to called parties. In the event of no answer/error conditions, callers are offered options based on the design of the customer specific application. These customer specific applications are created, 15 manipulated and destroyed utilizing preprogrammed Objects/Software Constructs first disclosed in the Amick patent 6,088,437, issued July 11, 2000, which were incorporated in full, and are further described, in Amick Application 09/556,439.

(b) Shaffer document number 5,905,776

Shaffer document number 5,905,776 discloses the use of a system and method of 20 providing site-to-site compatibility of telecommunications stations which allow users to transparently relocate among a number of different stations, while the apparent locations of the users remain fixed as well as the use of station-based coordinator modules to provide automated

routing to the station at which the particular individual is located, while leaving the apparent location of the user fixed at a designated station of the PBX. In the preferred embodiment it is stated that the coordinator modules may be located on line cards of the PBX.

Amick Application 09/556,439 discloses systems and methods for the creation of 5 applications that utilize CALL PULL-BACK technology as disclosed in the Amick patent 6,088,437, issued July 11, 2000, and blind transfers to transfer calling parties to called parties. In the event of no answer/error conditions, callers are offered options based on the design of the customer specific application. These customer specific applications are created, manipulated and destroyed utilizing preprogrammed Objects/Software Constructs first disclosed in the Amick 10 patent 6,088,437, issued July 11, 2000, which were incorporated in full, and are further described, in Amick Application 09/556,439.

(c) Bjomberg et. al. Document Number 6,647,111

Bjomberg et. al. document number 6,647,111 dated November 11, 2003, discloses 15 the use of individual service-independent building blocks (SIBBs) that allow the creation of customer applications with branching available.

The Amick patent 6,088,437, issued July 11, 2000, over three years earlier, discloses that the signaling attributes and customer-specific information are controlled by Objects, which are well thought out preprogrammed and proven Objects/Software Constructs that simplify programming and ensure reliable operations. The calling party is kept on soft hold 20 while the intended recipient of the call is attempted to be contacted at the different locations. If the CALL PULLBACK mechanism determines that the signals provided by the local telephone equipment, after being normalized, indicate the intended recipient does not pick up the call, the

CALL PULLBACK mechanism attempts to reach the intended recipient at another one of the numbers, all the while the calling party is kept on soft hold. In this way, the global Virtual Network Call Processor is capable of servicing not only individuals and companies serviced by a single PBX with a call process, but also for any number of other users not serviced by the PBX.

5 These customer specific applications are created, manipulated and destroyed utilizing preprogrammed Objects/Software Constructs first disclosed in the Amick patent 6,088,437, issued July 11, 2000, which were incorporated in full, and are further described, in Amick Application 09/556,439.

Examiner's Paragraph 32:

10 At the time of the issuance of the Amick patent number 6,088,437, issued July 11, 2000, which is incorporated in full in Amick Application 09/556,439, the examiner found that "prior art of record fails to teach, or render obvious, alone or in combination, a virtual network call processing system and a method for processing calls in the virtual network call processing system comprising a central office switch characterization mechanism that characterizes 15 signaling attributes of signals produced by one of a plurality of central office switches, each having a different frequency and cadence signal event characteristic."

 Amick Application 09/556,439, incorporates in full the Amick patent number 6,088,437, issued July 11, 2000, because it requires the invention disclosed therein in order to function and cannot function on its own, independently. At the time of filing the issued patent, Amick hired a 20 full time employee to research whether there was prior art of record or other inventions that utilized the concept of creating applications that mirrored a customer's communications network. That employee spent over a year performing that function. There is no question that there were

no similar inventions or prior art of record that performed the functions of Amick Application 09/556,439 at the time said application was filed. There were businesses that resold long distance dressed up in voice mail. After the filing of Amick Application 09/556,439, simple menu structures and the dialing of pagers and blind transfers were used. No one utilized CALL 5 PULL BACK functionality like that disclosed in the issued patent. Until Amick created the first Objects it wasn't cost effective to create complex custom one of a kind applications for each customer, which is why there was no prior art in existence.

The Objects/Software Constructs would not function independently of the previous invention of CALL PULL BACK, which is the subject matter of Amick patent 6,088,437, issued 10 July 11, 2000, because the information that was needed to make the Objects/Software Constructs work was available only to carriers in the SS7 signaling network and was not available to Amick or his customers. The CALL PULL BACK system was used as a substitute for the SS7 signaling network in order to create customer specific applications under the control of Objects/Software Constructs first disclosed in the Amick patent 6,088,437, issued July 11, 2000, which were 15 incorporated in full, and further described, in Amick Application 09/556,439.